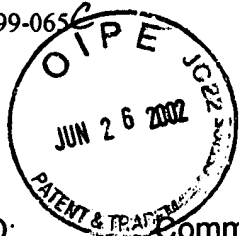


CS99-0652



Application no. 09/442,499

June 21, 2002

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TO: Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Attn: Art Unit 1763 - Examiner G. Goudreau

FROM: George O. Saile, Reg. No. 19,572  
20 McIntosh Drive  
Poughkeepsie, N.Y. 12603

RECEIVED #14

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TC 1700

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SUBJECT: Serial #: 09/442,499  
File Date: 11/18/99  
Inventor: P. Ho, et al.  
Examiner: G. Goudreau  
Art Unit: 1763  
Title: Plasma Etch Method for Forming Plasma Etched Silicon Layer

### RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Election of Species Requirement in the Office Action dated May 21, 2002. In that office action, applicant was required under 35 U.S.C. 121

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on June 21, 2002.

Signature   
Stephen B. Ackerman, Reg. No. 37,761

Date: June 21, 2002

to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable, and that currently Claims 2-5, 8-10, 13-15, 20-22, 26-28 and 32-34 are generic.

The species stated are:

- 1) A dummy wafer method is used to season the plasma etching chamber, which reads on Claims 17-18, 23-24, and 29-30, and
- 2) A product wafer method is used to season the plasma etching chamber, which reads on Claims 19, 25 and 31.

Applicant provisionally elects to be examined the species described by the Examiner as Group 1.) , which reads on Claims 17-18, 23-24, and 29-30. This election is made with traverse of the requirement under 37 C.F.R. 1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Election of Species given in the Office Action, because of the increased costs applicant would be forced to bear if the two species are separately examined. Furthermore, the field of search must necessarily cover both species, in addition to other related Classes and subclasses, to provide a complete and adequate search.

Withdrawal of the Election of Species Requirement, and allowance of the present Patent Application, is therefore respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'SBA', is written above the printed name.

Stephen B. Ackerman, Reg. No. 37,761